IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 1.3.2005

CORAM:

THE HONOURABLE MR.MARKANDEY KATJU, THE CHIEF JUSTICE

AND

THE HONOURABLE MR. JUSTICE D.MURUGESAN

W.A. No. 534 of 1998

Smt.Sudharshini — Appellant/Petitioner

Vs.

1. The Govt. of Tamil Nadu
   rep. by its Chief Secretary,
   Fort St. George, Chennai-9.

2. The Govt. of Tamil Nadu,
   rep. by its Commissioner and
   Secretary,
   Home Department, Chennai-9.

3. The Director General of Police,
   Chennai-4.

4. The Collector of Chengalpattu
   District, Kancheepuram.

5. The Inspector of Police,
   Maduravoyal Police Station,
   Maduravoyal, Chingleput District. — Respondents/Respondents

Appeal under clause 15 of the Letters Patent against the order of this Court passed in W.P.No.4983 of 1991 dated 19.1.1998.

For Appellant :: Mrs.Hemalatha

For Respondents :: Mr.P.S.Sivashanmugasundaram,
Addl. Govt. Pleader.

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JUDGMENT

(Judgment of the Court was delivered by
The Hon'ble Chief Justice.)

This writ appeal has been filed against the impugned judgment of the learned single Judge dated 19.1.1998. We have heard learned counsel for the parties.

2. The petitioner/appellant filed the writ petition alleging that her son was arrested by the police and beaten and tortured because of which he died. A counter affidavit has been filed by the Inspector of Police denying all the allegations of the petitioner/appellant. The learned single Judge has dismissed the writ petition and hence this writ appeal.

3. In our opinion, since the allegations of the petitioner/appellant have been denied in the counter affidavit, there is oath against oath. This Court in writ jurisdiction does not normally resort to oral evidence and cross examination. Hence the appropriate remedy for the petitioner/appellant is to file a civil suit for damages. The writ appeal is dismissed on the ground of alternative remedy. However, if a civil suit is filed the same shall be decided very expeditiously. No costs.

1.3.2005

ns.

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

To

1. The Chief Secretary, Govt. of Tamil Nadu
   Fort St. George, Chennai-9.

2. The Commissioner and Secretary,
   Govt. of Tamil Nadu,
   Home Department, Chennai-9.

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3. The Director General of Police,
   Chennai-4.

4. The Collector of Chengalpattu
   District, Kancheepuram.

5. The Inspector of Police,
   Maduravoyal Police Station,
   Maduravoyal, Chingleput District.

1 cc to the Govt.Pleader SR. 9998

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